

**COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND**

2021 Legislative Session, Legislative Day No. : January 26, 2021

Bill No.: 1469

Expiration Date: April 1, 2021

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Ms. Price

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO CLARIFY THAT THE DEFINITION OF "THEATER, NONPROFIT" IN SECTION 11-1.1 OF THE CODE INCLUDES AN OUTDOOR THEATER WITH THE INTENDED RESULT THAT THE OUTDOOR THEATER COULD SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES DURING EVENTS UNDER THE THEATER'S CLASS B-T (ON-SALE) LIQUOR LICENSE

By the Council: January 26, 2021

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, February 23, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order



Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 11 OF THE TALBOT COUNTY CODE (ALCOHOLIC BEVERAGES) TO CLARIFY THAT THE DEFINITION OF “THEATER, NONPROFIT” IN SECTION 11-1.1 OF THE CODE INCLUDES AN OUTDOOR THEATER WITH THE INTENDED RESULT THAT THE OUTDOOR THEATER COULD SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES DURING EVENTS UNDER THE THEATER’S CLASS B-T (ON-SALE) LIQUOR LICENSE

BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE: Chapter 11 of the *Talbot County Code* is hereby amended as follows:

| KEY | |
|--------------------------------|--------------------------|
| Boldface | Heading or defined term |
| <u>Underlining</u> | Added by Bill |
| Strikethrough | Deleted from law by Bill |
| * * * | Existing law unaffected |

Chapter 11 Alcoholic Beverages

* * *

§ 11-1.1 Definitions

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THEATER, NONPROFIT

A qualified business organization operating as a nonprofit or charitable organization under Maryland law, or that has been determined to be an exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code that is 1) housed within a building or outdoor facility equipped to handle performances; (2) has a minimum seating capacity of 100 persons; and 3) regularly presents live entertainment as part of its schedule.

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§ 11-5 Beer, wine and liquor licenses.

* * *

G. Beer, wine and liquor license, Class B-T (on-sale), certain nonprofit theaters.

(1) General provisions. A Class B-T beer, wine, and liquor license shall be issued only to nonprofit theaters and shall authorize the holder thereof to keep for sale and sell beer, wine, and liquor at retail, at the place described in the license, for consumption on the premises only.

(2) Requirements for license. A Class B-T license shall not be issued until all requirements for licensing have been met.

(3) Eligibility to purchase temporary license. Other provisions of this chapter to the contrary notwithstanding, a holder of a Class B-T license shall not by virtue thereof be prohibited from purchasing a special beer, wine and liquor license, nor shall any bona fide club, society, association or church be precluded from obtaining a special license for use on the theater premises, provided that the holder of the Class B-T license for the premises consents to the use of the special license.

(4) Hours. The hours during which the privileges conferred by a Class B-T license may be exercised shall be from 12:00 noon to 12:00 midnight each day; provided, however, that the sale and consumption of beer and light wine shall be restricted to a period of time beginning two hours before any scheduled entertainment and concluding one hour after said entertainment.

(5) Outdoor location. Notwithstanding any provision to the contrary, the holder of a Class B-T license may sell alcohol under such license at a second location, as approved by the Talbot County Board of Liquor License Commissioners ("the Board") after a hearing, subject to the following:

(a) The second location is an outdoor facility equipped to present regular programming of the theater;

(b) The zoning authority exercising control over the area where the outdoor theater is located grants approval;

(c) The owner of the property where the outdoor theater is located grants approval;

(d) Operation of the outdoor theater shall comply with all applicable noise laws, rules, and regulations;

(e) All restrictions applicable to a Class B-T license holder under this Chapter apply at the outdoor theater, including, without limitation, hours of operation and the requirement that servers have completed alcohol awareness training;

(f) The holder of the Class B-T license applies to the Board for approval of the outdoor theater location on a form approved of by the Board;

(f) Notice and the hearing before the Board shall be the same as and proceed in accordance with Section 11-10 A. of this Chapter;

(g) The County Council may establish an application fee for the outdoor theater application as provided for in Section 11-10 B. of this Chapter; and,

(h) Upon a finding by the Board that a violation of this Chapter has occurred at either the primary premises shown on the license or the outdoor theater location, the Board may suspend or revoke the Class B-T license, or impose a fine, in accordance with Section 11-14 of this Chapter, in case of which, the suspension or revocation shall be applicable to both the primary premises shown on the license and the outdoor theater location.

* * *

SECTION TWO: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1469 having been published, a public hearing was held on Tuesday, February 2, 2021 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: February 23, 2021

By Order 
Susan W. Moran, Secretary

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| Callahan | - | Aye |
| Divilio | - | Aye |
| Leshner | - | Aye |
| Price | - | Aye |
| Pack | - | Aye |

EFFECTIVE DATE: April 24, 2021